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09/924,885	08/08/2001	Newton Howard	5H01.1-021	3688

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EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

13

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/924,885

**Applicant(s)**

HOWARD, NEWTON

**Examiner**

Joseph D Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because in line 12 the sentence "A destination transceiver is associated with the source device..." is a typo-err, it needs to be changed to "A destination transceiver is associated with the destination device...". Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 1, and 8 are objected to because of the following informalities:

Regarding claim 1, in line 13 the sentence "a destination transceiver is associated with the source device..." is a typo-err, it needs to be changed to "a destination transceiver is associated with the destination device...". Appropriate correction is required.

Regarding claim 8, in line 16 the sentence "a destination transceiver is associated with the source device..." is a typo-err, it needs to be changed to "a destination transceiver is associated with the destination device...". Appropriate correction is required.

3. Claims 9-12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Regarding claims 9-12, these claims need to amend and rewrite in proper dependent on claim 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 8-9, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Poor (6,028,857).

Regarding claim 1, Poor discloses a wireless network for transferring a signal from a source device (#12 fig. 1) to a destination device (#12 fig. 1) positioned remotely from the source device by passing the signal through a plurality of intermediate devices without using a tower (abstract, fig. 1, col. 4 lines 39-63), the network comprising:

a) a plurality of intermediate transceivers associated with the intermediate devices and individually operable for reproducing the signal and transmitting the reproduced signal through the intermediate devices until the reproduced signal reaches the destination device (abstract, #16 fig. 1, col. 2 lines 31-55);

b) a source transceiver associated with the source device and operable for transmitting the signal to at least one of the intermediate devices (#16 fig. 1, and col. 4 lines 39-63); and

c) a destination transceiver associated with the destination device and operable for receiving the reproduced signal from at least one of the intermediate devices (#16 fig. 1, and col. 4 lines 39-63).

Regarding claim 2, Poor further discloses the network of claim 1 wherein the source device further comprises a routing system (fig. 3) for generating a routing scheme that enables effective signal transfer from the source device through a first portion of the intermediate devices to the destination device (fig. 2-3, col. 2 lines 31-67, and col. 4 line 39 thru col. 6 line 15).

Regarding claim 3, Poor further discloses the network of claim 2 wherein the source transceiver transmits the routing scheme and the signal to the intermediate device (fig. 2-3, col. 2 lines 31-67, and col. 4 line 39 thru col. 6 line 15).

Regarding claim 4, Poor further discloses the network of claim 2 wherein the routing system further comprises a data management system (fig. 2-4, col. 2 lines 31-67, and col. 4 line 39 thru col. 6 line 15).

Regarding claim 8, Poor disclose a wireless network for transferring a signal from a source device to a destination device positioned remotely from the source device by passing the signal through a plurality of intermediate devices without using a tower (abstract, fig. 1, col. 4 lines 39-63), the network comprising:

a) a plurality of intermediate transceivers associated with the intermediate devices and individually operable for reproducing the signal and transmitting the reproduced signal through the intermediate devices until it reaches the destination device (abstract, #16 fig. 1, col. 2 lines 31-55);

b) a routing system for identifying a routing scheme that enables effective signal transfer from the source device to the destination device (fig. 2, 4, col. 2 lines 31-65, and col. 5 lines 6-52);

c) a source transceiver (#16 fig. 1) associated with the source device, wherein the source transceiver is operable for transmitting the routing scheme and the signal to at least one of the intermediate devices (#16 fig. 1, and col. 4 lines 39-63); and

d) a destination transceiver associated with the source device and operable for receiving the reproduced signal from at least one of the intermediate devices (#16 fig. 1, and col. 4 lines 39-63).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 13, Poor discloses a method of transferring a signal from a source device to a destination device positioned remotely from the source device by passing the signal through a plurality of intermediate devices forming a wireless network without a tower (abstract, fig. 1, col. 4 lines 39-63), the method comprising:

a) reproducing (forward) the signal using a plurality of intermediate transceivers associated with the intermediate devices (abstract, #16 fig. 1, col. 2 lines 31-55);

b) transmitting the reproduced signal through the intermediate devices until the reproduced signal reaches the destination device (abstract, fig. 1, col. 4 lines 39-63);

c) identifying a routing scheme that enables effective transfer of the reproduced signal from the source device to the destination device (fig. 2, 4, col. 2 lines 31-65, and col. 5 lines 6-52);

d) jointly transmitting the routing scheme and the reproduced signal to at least one of the intermediate devices using a source transceiver (fig. 1, col. 2 lines 31-65, and col. 5 lines 6-52); and

e) receiving the reproduced signal from the intermediate device (fig. 1, col. 2 lines 31-65, and col. 5 lines 6-52).

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 13 with a computer readable medium inherently storing computer-executable instructions method steps.

Regarding claim 15, Poor further discloses a wireless network operable for performing the method of claim 13 (abstract, fig. 1, col. 2 lines 31-65, and col. 4 lines 39-63).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poor (6,028,857) in view of Hermann et al. (6,633,757).

Regarding claim 5, Poor further discloses the network of claim 1 wherein the source device is the workstations, files servers, bridges (col. 4 lines 39-51). However, Poor does not specifically disclose the source device is selected from the group consisting of telephones, mobile phones, laptop computers, handheld computers, desktop computers, televisions, and automobiles.

Hermann et al. teaches the source device is selected from the group consisting of telephones, mobile phones, laptop computers, handheld computers, desktop computers, televisions, and automobiles (col. 6 line 17-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Poor system with the teaching of Hermann et al. of the source device is selected from the group consisting of telephones, mobile phones, laptop computers, handheld computers, desktop computers, televisions, and automobiles in order to transmit and receive signal.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 5.



8. Claims 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poor (6,028,857) in view of Brownrigg et al. (6,044,062).

Regarding claim 6, Poor further discloses the network of claim 1. However, Poor does not specifically disclose the intermediate devices can disconnect from the first portion of the network and reconnect to a second portion of the network.

Brownrigg et al. teaches the intermediate devices can disconnect from the first portion of the network and reconnect to a second portion of the network (fig. 1-21, col. 20 line 29 thru col. 22 line 18). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Poor system with the teaching of Brownrigg et al. of the intermediate device can disconnect from the first portion of the network and reconnect to a second portion of the network in order to minimize the number of hops and provide the shortest distance transmission for better signal quality.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 6.

9. Claims 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poor (6,028,857) in view of Feder et al. (6,512,754).

Regarding claim 7, Poor further discloses the network of claim 1 further comprising the call can initiate and receive from the other network (col. 3 line 64 thru

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col. 4 line 8). However, Poor does not specifically disclose the network comprising a long-range transmission device for connecting the network to a remote network.

Feder et al. teaches the network comprising a long-range transmission device (satellite) for connecting the network to a remote network (co. 5 lines 3-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Poor system with the teaching of Feder et al. of long-range transmission device in order to the internet service providers to utilize the present system to by-pass the telcos and offer direct end to end services to users, perhaps saving access charges to the telcos.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 7.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Mar. 9, 2004



**WILLIAM TROST**  
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